IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

AMERICAN WASTE MANAGEMENT AND RECYCLING, LLC. Plaintiff, v. CEMEX PUERTO RICO; CANOPY ECOTERRA CORP.; XYZ INSURANCE COMPANIES Defendants.	Civil No. 07-01658-JAF Breach of contract; collection of moneys damages. Jury trial demanded.

URGENT MOTION FOR STATUS CONFERENCE TO RESOLVE CONTROVERSIES REGARDING COMPLIANCE WITH COURT ORDER AND FOR BRIEF STAY OF ORDER

TO THE HONORABLE COURT:

Defendant CEMEX PUERTO RICO (hereinafter, CEMEX), through the undersigned attorneys, respectfully states and prays as follows:

1. Plaintiff in this case is pursuing a strategy of creating artificial controversies and abusing court proceedings by avoiding orderly litigation and imposing a false sense of urgency which has led the Court to two orders threatening Cemex with sanctions, where none are warranted.

2. Cemex takes court proceedings and orders very seriously and will not be cast in an artificially adverse

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light or be forced to accept unnecessary risks to its operations, personnel, security and reputation.

3. Cemex very respectfully requests the Court to hold either in person or by telephone a status conference to organize proceedings. Otherwise, plaintiff will continue the systematic harassment of Cemex personnel and bombarding the Court with frivolous motions not conducive to resolving the disputes in this case.

4. The status conference is urgent in nature because AWMR has again unilaterally decided, without any consideration towards both defendants and their counsel, to perform unspecified acts supposedly in furtherance of its rights under the Order on October 4, 2007. See Exhibit 1.

5. Counsel for plaintiff is aware that both attorneys of record for Cemex are unavailable on that date because the issue was discussed in the October 1, 2007 meeting among counsel. Plaintiff’s strategy is evident: the creation of artificial controversies to benefit from a false appearance of noncompliance.

WHEREFORE, Cemex very respectfully requests the court to hold a status conference to organize proceedings to allow the orderly compliance with the Order, and in the meantime to stay the effect of the Order (Docket 37 and 46) to avoid the continued onslaught of frivolous motions.

I HEREBY CERTIFY that today October 2, 2007, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all counsel of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 2st day of October, 2007.

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